

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-cr-249-pp

SHANE ALLEN SMITH,

Defendant.

**ORDER GRANTING MOTION FOR ENTRY OF FINAL ORDER OF
FORFEITURE AND JUDGMENT (DKT. NO. 41)**

On December 12, 2016, the parties filed an executed plea agreement between the government and defendant Shane Smith. Dkt. No. 25. In the agreement, Smith admitted that he had used of the properties listed in the indictment to facilitate the offense to which he was pleading guilty (receiving child pornography in interstate commerce, in violation of 18 U.S.C. §2252A(a)(2) and (b)(1)), and he agreed to the forfeiture of the property. *Id.* at ¶26. The court entered a preliminary order of forfeiture on January 25, 2017, in which it ordered the United States to publish notice of its order and of the government's intent to dispose of the property according to law. Dkt. No. 28.

On January 4, 2018, the government filed a motion for order of forfeiture and judgment, along with an affidavit from assistant United States Attorney Penny Coblenz. Dkt. Nos. 41, 42. The affidavit reported (a) that under 21 U.S.C. §853(n)(1), the government had mailed written notice of forfeiture to all parties of record who might have a claim or interest in the property covered by this court's January 25, 2017 forfeiture order; and (b) no interested parties had asserted a claim for the forfeited property within the thirty days following the

final publication of notice. Dkt. No. 42 at 2. The court is satisfied that the government has met the requirements of 18 U.S.C. §2253 governing criminal forfeiture of property.

The court **GRANTS** the government's motion for order of forfeiture and final judgment. Dkt. No. 41. The court **ORDERS** that under 18 U.S.C. §2253, the United States of America has clear title to the following property, and may dispose of the property according to law:

1. One loose hard drive, Seagate, model Barracuda 7200, Serial Number 6QF35DR8, product of China;
2. One DiskGO external hard drive, Serial Number ATM0807021044, containing Western Digital hard drive, model WD5000AJS, Serial Number WMASY5399630, 500 GB;
3. One desktop computer, HP Pavilion, model P6523W, Serial Number 4CE0191LHL, containing Western Digital hard drive, model WD6400AAKS, Serial Number WCASYC684969;
4. Any other equipment, instrumentalities, and items used or intended to be used in the transportation, receiving, distribution, or possession of child pornography; specifically:
 - a. One HP m8000PC Desktop computer, Serial Number MXF74909J4;
 - b. One Seagate ST3320820AS 320 GB Hard Drive, Serial Number 6QF33LDV; and
 - c. One TDK CD-R 700 MB.

Dated in Milwaukee, Wisconsin this 25th day of January, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge